

Attorney Docket No.: 1046.P001USC1

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Drawing Corrections

The Examiner objected to the drawings for the following informalities:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "64" and "30" have both been used to designate top hinge tube, see page 12, line 11 and page 9, line 22. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "90" mounting assembly, "78" cavity, page 13, line 5, "68" mounting hole, page 12, "50", "52", "54". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "42" and "92" have both been used to designate rotator. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action, in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "24" and "62" have both been used to designate pendulum mount tube (see page 12 and page 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because figures 8, 9, 13, 14, 15, and 16 when showing different views of the same element should be labeled as a separate figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all

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of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 31 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant respectfully submits replacement sheets 1-25 to address the above identified objections. The applicant respectfully submits that changes to the drawings are provided on the replacement sheets in red.

Applicant respectfully submits that the drawings have been amended to more clearly show reference sign "90" for mounting assembly in Figure 13A. The specification has been amended such that page 13 line 5 indicates Cavity 74 as opposed to Cavity 75. Figure 7 has been amended to indicate Mounting Hole 68. Figure 5 has been amended to more clearly show positions 50, 52, and 54. The drawings have been amended such that only referenced characters 92 are used to designate Rotator 92. With respect to reference characters 24 and 62 the applicant respectfully submits that reference character 24 describes a pendulum tube mount while reference character 62 describes a pendulum mount tube. Therefore the applicant respectfully traverses the examiner's objections to the drawings with regards to reference characters 24 and 62. The applicant respectfully submits that Figures 8, 9, 13, 14, 15 and 16 which show different views of the same element have been relabeled as separate figures, as Figures 8A, 8B, 8C, 9A, 9B, 13A, 13B, 14A, 14B, 14C, 15A, 15B, 16A and 16B.

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With respect to the examiner's objection that the figures should not include words within the drawings, the applicant respectfully submits that reference characters need not only include reference numbers. 37 C.F.R. 1.84 Standards for Drawings (p)(1) allows reference characters to include numbers, letters, and reference characters that are oriented in the same direction as the view so as to avoid having to rotate the sheet and arrange to follow the profile of the object depicted. Lead lines from the reference characters connect to the details referred to. The applicant respectfully submits that the drawings as provided in the replacement sheets provide reference characters and lead lines in accordance with 37 C.F.R. 1.84 Standards for Drawings. The applicant respectfully submits that the examiner's assertion that the figures should only include reference numbers is incorrect. This is further permitted as labeled representations of details as allowed by 37 CFR 1.83 entitled "Content of Drawings."

Thus applicant respectfully requests that the examiners objections to the drawings be withdrawn.

Amendments to the Specification

The Examiner objected to the specification as follows:

The disclosure is objected to because of the following informalities: the Description of the figures needs to have a more detailed description of the figures such as the view being shown. The figures should not include words within the drawings. The figures should only include reference numbers not a name for each part.

Applicant respectfully submits that the specification has been amended to include more detailed description of the figures such as the view being shown.

The applicant respectfully submits that under 37 CFR 1.125 a substitute specification has been provided. This substitute specification includes no new matter. A marked-up version of the substitute specification showing all the changes including matter being added to or being deleted from the specification of record has been provided. Additionally, a substitute specification in clean form without markings as to amended material is also provided.

Thus applicant respectfully requests that the examiners objects to the specification be withdrawn.

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Remarks

The applicant respectfully submits that proper status identifiers had been provided to indicate the current status of all claims in the Application. More specifically, the claims submitted previously as "amended" have been relabeled "currently amended."

With regards to the examiner's assertion that the specification does not include markings to indicate corrections to the original specification, the applicant respectfully submits that as previously stated above, the substitute specification both marked up and clean copies have been provided.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-10, 12-15, and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Howell, et al. (U.S. Patent No. 6,639,623). The Examiner states:

Howell (figure 3 and figure 17) discloses a ceiling mount (12) comprising a first and second conduits (22, 24, 46, 94) and a base (plate above 22), a support arm (48) with a first joint (122 and 54), mounting assembly (42), a second joint (near 68 or 72), cables (406 and 452, column 18, lines 46ff, column 10, lines 52ff, see figure 5, 6, 18, and 19), a rotators (see figure 3).

Applicant respectfully submits that Howell fails to teach the pendulum mount of independent Claims 1, 10 and 16. More specifically, the Applicant respectfully submits that the embodiments of the present invention as presented in amended Claims 1, 10 and 16 can be distinguished from Howell. The first joint the examiner cites as first joint 122 and 54 actually comprises two joints wherein the central hub, hub sections 22, 24, 46 and 94, are operable to rotate 360 degrees about the central axis 26 of the ceiling mount. Additionally, a second joint, 122 and 54 as shown in FIGs. 1 and 3, allows additional rotation at an angle of less than 360 degrees offset radially from the central axis of the ceiling mount.

Applicant respectfully submits that the first joint within independent Claims 1, 10 and 16 is operable to rotate about the central axis of the ceiling mount in a first (x, y) plane

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perpendicular to the central axis. Additionally, this joint is able to reposition the support arm at an angle in the (y, z) plane to the first (x, y) plane. FIGs. 4 and 5 describe the rotation of the pendulum mount about the base or ceiling mount within the (x, y) plane of the ceiling mount while FIG. 5 depicts that the first joint allows support arm 34 to be repositioned at an angle to the (x, y) plane. This combined motion is not present in the teachings of Howell.

Applicant respectfully submits with respect to the second joint near 68 or 72, that the joints depicted near 68 or 72 are two additional joints which would be the third and fourth joint within support arm 48. Applicant further submits that support arm 48 involves a joint 46 at the central hub and involves the ability to rotate central hub 46 about axis 26 of the ceiling mount. Additional planetary rotation is evidenced by joints 54 and 122. There is further rotation associated with another joint as described by motion 124 between vertical supports 52 and 62 of support arm 48. Additionally, there are joints located about 68, 72, 74 and 80. For a total of at least 7 seven joints associated with the support arm 48.

Applicant respectfully submits that the support arm of the present invention provides a much simpler configuration, able to swing free of the work theater as evidenced by the stowed positions of support arm 34 parallel to the (x, y) plane of drop ceiling 26 depicted in FIG. 5. The second joint 40 between support arm 34 and rotator coupling display 38 to hinge 40 allows display screen 38 to be rotated at an angle in a second (x, y) plane about the mounting assembly and also allows the display screen to be positioned at any angle in a (y, z) plane relative to support arm 34. Applicant respectfully submits that the second joint 72 of Howell is unable to be positioned independent of the joint 68. Therefore, the shaft 130 of the monitor display is unable to be positioned in any other position other than the horizontal. This is due to the fact that joint 68 and 72 are mechanically coupled in such a manner as to prevent shaft 130 from being positioned at a nonparallel angle to that of the vertical axis 64 of the vertical section of support arm 48.

As such, Applicant respectfully requests the Examiner withdraw the rejections and allow Claims 1-3, 5-10, 12-15, and 17-21.

Rejections under 35 U.S.C. § 103

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Claims 4, 11, and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Howell (U.S. Patent No. 6,639,623) in view of Sweere, et al. (U.S. Patent No. 5,924,665). The Examiner states:

Howell discloses all of the limitations of the claimed invention except for the gas tension spring. Sweere teaches that it is known to have an arm having a tension between the support arm and the mount (figure 1) being a gas tension spring (25). It would have been obvious to one having ordinary skill in the art to have modified Howell to have include the gas tension spring for the purpose of providing a better means of positioning the support arm when the user moves the arm to a desired position,

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant's disclosure cannot be used to reconstruct Applicant's invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988).

Applicant respectfully submits that there is no motivation, teaching or suggestion to combine Howell with Sweere. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 4, 11, and 16 respectfully requested. With respect to Sweere, the applicant submits that there are no teachings to combine Howell and Sweere because Howell lacks the need of a gas tension or other type tension spring. Support arm 48, illustrated in the figures of Howell, contains a horizontal element 50 and a rigidly coupled vertical element 52. The lower vertical section 62 coupled to vertical section 52 allows rotation about the vertical axis of the vertical element. The internal configurations of joint 68 and 72 prevent independent motion of the joint and ensure that horizontal shaft 130 to which the display mounting system couples to support arm 48 remains vertical and parallel to the vertical axis of vertical segments 52 and 62 of support arm 48. Because these sections are rigidly defined, and the joints 68 and 72 failed to move independently, one would not think to combine

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the teachings of Howell with Sweere which uses a gas tension spring in order to provide a better means of positioning the support arm. The support arm in Howell is rigid, the segment of the support arm of Howell are fixed within a vertical or horizontal plane, as evidenced by horizontal segment 50 and vertical segments 52 and 62. Therefore, one would not combine the teachings of Howell with that of Sweere because Howell teaches a way from the need to position the support arm at an angle segments of the support arm at an angle other than normal to the (x, y) plane of the ceiling mount.

The applicant further submits that Sweere may also be distinguished from the present invention in that Sweere fails to teach that the support arm may rotate about an axis normal to the plane of the mount. The mount of Sweere may rotate as evidenced by may rotate at an angle to the X and Y axis of the mount. But not along the axis normal to the mount. This is shown in Figure 1 where the display arm may pivot about axis 28 and 26. As such, Applicant respectfully requests the Examiner withdraw the rejections and allow Claims 4, 11, and 16.

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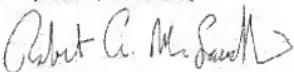
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Conclusion

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-21.

It is believed no fee is due with this transmission, however, should a fee be determined due with this transmission, the Commissioner is authorized to debit Deposit Account No. 50-2240 of Koestner Bertani, LLP.

Respectfully submitted,



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Dated: August 13, 2006

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